



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

October 21, 1992

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8074 978 854

Mr. Scott Endicott
Sierra Club, Utah Chapter
865 East Belmont Avenue
Salt Lake City, Utah 84105

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| Post-It™ brand fax transmittal memo 7671 | | # of pages ▶ 2 |
| To <i>Scott Endicott</i> | From <i>W Hedberg</i> | |
| Co. <i>Sierra Club - Utah</i> | Co. <i>Oil Gas & Mining</i> | |
| Dept. | Phone # <i>801 538-5340</i> | |
| Fax # <i>596-1325</i> | Fax # | |

Dear Mr. Endicott:

Re: Response to Objections and Request for Hearing, Kennecott Corporation,
Barney's Canyon Mine Permit Revision, M/035/009, Salt Lake County, Utah

The Division received your recent letter, dated October 14, 1992, which contains review comments and objections from the Sierra Club, Utah Chapter, regarding Kennecott Corporation's permit revision for the Barney's Canyon Mine. It is the Division's determination that the comments regarding the slope (highwall) variances do represent written objections of substance that are within the regulatory jurisdiction of this agency.

Concerns related to the Ground Water Discharge Permit issued by the Utah Department of Environmental Quality, Division of Water Quality, should be addressed to that Division, not the Division of Oil, Gas and Mining. A copy of your letter has been forwarded to that agency for response.

You are hereby advised that, in consideration of your substantive comments and in accordance with Utah Code Ann. §40-8-13(5)(d)(iii), the Division will prepare a formal Notice of Agency Action and a copy of the notice will be sent to you. This matter will be heard by the Board of Oil, Gas and Mining at its regularly scheduled board hearing in Salt Lake City, December 2, 1992. Please make arrangements to have appropriate legal representation present at the hearing to plead your case before the Board. For your information and reference, we have enclosed a copy of the rules of Practice and Procedure before the Board of Oil, Gas and Mining.

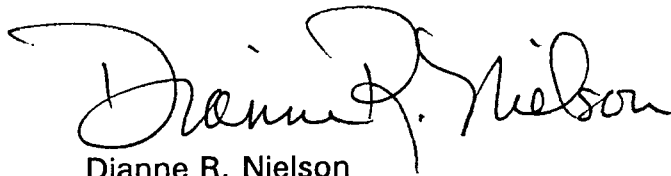
The Division has issued a conditioned approval of the permit revision. As noted in the enclosed letter, the condition of the permit is that the determinations

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regarding variances for highwalls and revegetation are withheld pending a decision by the Board following the above-referenced formal hearing.

If you have any questions, please contact me or Jan Brown, Secretary to the Board.

Best regards,

A handwritten signature in black ink, appearing to read "Dianne R. Nielson". The signature is fluid and cursive, with the first name "Dianne" being more prominent and the last name "Nielson" following in a similar style. There is a small "R." between the first and last names.

Dianne R. Nielson
Director

jb
Enclosure
cc: David Hodson, Kennecott
Don Ostler, DWQ
M035009.src